

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

Hampden, SS

DISTRICT COURT DOCKET

NO. 1

DANIEL PAUL BENKEWILL

PLAINTIFF

VS

COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF CORRECTION, COMMISSIONER, CAROL MIMI, AND

COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF CORRECTION, COMMISSIONER / DESIGNEE JEREMY E.

GILARDI AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI- CEDER JUNCTION, SUPERINTENDENT, DOUGLAS W. DEMORA

AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI- CEDER JUNCTION, SUPERINTENDENT / DESIGNEE

JOY L. GALLAGHER AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI- CEDER JUNCTION, INSTITUTIONAL TREASURER, JOYCE

WESSEH AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI- CEDER JUNCTION, INSTITUTIONAL TREASURER

CAROL HANE AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI- CEDER JUNCTION, CLASSIFICATION BOARD

CHAIRPERSON JEREMY MARKHAM AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI- CEDER JUNCTION, CLASSIFICATION BOARD,

CORRECTIONAL PROGRAM OFFICER MEMBER VANESSA RILEY AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI- CEDER JUNCTION, CLASSIFICATION BOARD

SECURITY MEMBER DAVID CATARELLI AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI- CONCORD, SUPERINTENDENT, MICHAEL

RODRIGUES AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI-CORCORAN, DIRECTOR OF CLASSIFICATION, LYNN LARSEN

AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI-CORCORAN, CLASSIFICATION BOARD, CORRECTIONAL PROGRAM

OFFICER MEMBER MATTHEW HAGAN AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI-CORCORAN, CLASSIFICATION BOARD, SECURITY MEMBER

OFFICER LARSEN AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI-CORCORAN, CLASSIFICATION BOARD CHAIRPERSON, TOM

HARTLEY AND

ACCESS CONNECTION - SECURE DEPOSITS AND

SECURUS TECHNOLOGIES, INC. AND

T.K.C. HOLDINGS, INC.

DEFENDANTS

PLAINTIFF'S DECLARATION IN SUPPORT OF PLAINTIFF'S

MOTION FOR APPOINTMENT OF COUNSEL

DONALD PAUL RENKOWICZ STATES:

1) I AM THE PLAINTIFF IN THE ABOVE ENTITLED ACTION. I MAKE THIS DECLARATION IN SUPPORT OF MY

MOTION FOR THIS APPOINTMENT OF COUNSEL

2) THE COMPLAINT IN THIS CASE ALLEGES THAT THE PLAINTIFF WAS SUBJECTED TO THE MISUSE OF THE

CODE OF MASSACHUSETTS REGULATIONS (DEPARTMENT OF CORRECTION) 103 CMR 400.00 SEC SERIES

AND THE POLICIES AND PROCEDURES OF THE DEPARTMENT OF CORRECTION MCI-CORCORAN AND THE

DEPARTMENT OF CORRECTION, MCI-CORCORAN BY SEVERAL CORRECTIONAL OFFICERS AND PUBLIC

EMPLOYEES THEREOF SOME OF WHOM ACTIVELY DEPRIVED THE PLAINTIFF OF HIS PRISONER RIGHTS

AND OTHERS WHOM WATCHED AND FAILED TO INTERVENE AND TAKE ACTION TO CORRECT THEM. IT

ALLEGES THAT SUPERVISORY OFFICIALS WERE WELL AWARE OF THE VIOLATIONS BY SOME OF THE

CONNECTICUT OFFICER AND PUBLIC EMPLOYER'S AND ARE LIABLE FOR FAILING TO TAKE ACTION TO CORRECT THEM

THE PLAINTIFF WAS SUBSEQUENTLY DENIED DUE PROCESS IN THE ADMINISTRATIVE REMEDIES OF THE

GRIEVANCE PROCEDURES, (103 CMR 420.00 SEQ. DEPARTMENT OF CORRECTION), CLASSIFICATION PROCEDURES

(103 CMR 430.00 SEQ. DEPARTMENT OF CORRECTION) BY OFFICERS WHO CONDUCT THE INVESTIGATIONS AND THE PLAINTIFF

WAS DEPRIVED OF THE NECESSITIES OF LIFE (TELEPHONE, COMMISSARY, HYGIENE/COSMETICS, MAIL, ETC.) BY THE

COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF CORRECTION, COMMISSIONER, CAROL MICH, AND THE MCI-CORCORAN

SUPERINTENDENT, MICHAEL RODRIGUES AND MCI-CORCORAN JUNCTION, SUPERINTENDENT, DOUGLAS W. DEMORA AND

THE PUBLIC EMPLOYER'S THEREOF

3) THIS IS A COMPLEX CASE BECAUSE IT CONTAINS SEVERAL DIFFERENT LEGAL CLAIMS WITH EACH CLAIM INVOLVING A DIFFERENT SET OF DEFENDANTS

4) THE CASE INVOLVES MANY ISSUES THAT MAY REQUIRE EXPERT TESTIMONY

5) PLAINTIFF HAS DEMANDED A JURY TRIAL

6) THE CASE WILL REQUIRE DISCOVERY OF DOCUMENTS AND THINGS INCLUDING DEPOSITIONS OF A NUMBER OF WITNESSES

7) THE TESTIMONY WILL BE IN SHARP CONFLICT SINCE THE PLAINTIFF ALLEGES THAT THE DEFENDANTS HAVE

DEPRIVED HIM THE NECESSITIES OF LIFE (TELEPHONE, COMMISSARY, HYGIENE/COSMETICS, MAIL, ETC.) AND

DUE PROCESS, WHILE THE DEFENDANTS ASSERT THAT THEY DID NOT DEPRIVE THE PLAINTIFF OF HIS

CIVIL RIGHTS, PRISONER RIGHTS, UNITED STATES CONSTITUTIONAL RIGHTS.

8) THE PLAINTIFF IS SERVING A SENTENCE IN A MEDIUM SECURITY INSTITUTION DUE TO THE DEFENDANTS

VIOLATING CLASSIFICATION PROCEDURES (103 CMR 420.00 SEQ) AND THE MASSACHUSETTS OBJECTIVE POINT

BASE SYSTEM (MASS OBJECTIVE CLASSIFICATION OPERATIONAL MANUAL) FOR THIS REASON, HE HAS

LIMITED ACCESS TO LEGAL MATERIALS, ADEQUATE LAW LIBRARY AND HAS NO ABILITY TO DO ANY

INVESTIGATING THE FACTS OF THE CASE. FOR EXAMPLE, BY TALKING AND INTERVIEWING OTHER INMATES

WHO WERE DEPRIVED OF THEIR RIGHTS.

9) PLAINTIFF HAS ONLY A HIGH SCHOOL EQUIVALENT (G.E.D.) DEGREE AND HAS NO LEGAL EDUCATION

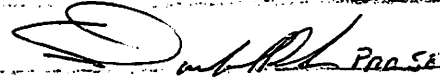
10) AS SET FORTH IN THE MEMORANDUM OF LAW SUBMITTED WITH THIS MOTION, THESE FACTS, ALONG WITH

THE LEGAL MERIT OF PLAINTIFF'S CLAIMS SUPPORT THE APPOINTMENT OF COUNSEL TO REPRESENT

THE PLAINTIFF

WHEREFORE, PLAINTIFF'S Motion For Appointment Of Counsel SHALL BE GRANTED.

PURSUANT TO 28 USC § 1796 I declare UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT. Signed This 16th day of MAY 2020
15 OCTOBER



DONALD P. BENKOWITZ

965 Elm St PO Box 9106

CONCORD MASS 01742

TO: UNITED STATES DISTRICT COURT

CLERK/MAGISTRATE

300 STATE ST SUITE 130

Springfield MASS 01105 2920

RE: MOTION

DEAR CLERK/MAGISTRATE,

PLEASE FIND ENCLOSED PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF

PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL AND CERTIFICATE OF SERVICE AND COULD YOU

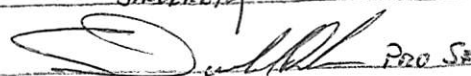
PLEASE FILE THESE DOCUMENTS ACCORDINGLY

THANK YOU FOR YOUR TIME AND ATTENTION TO THIS MATTER AND I AWAIT FOR YOUR REPLY

DATE: 5-16-20

10-15-20

SINCERELY,



Donald P. Renkowitz - 11/24/20

965 Elm St PO Box 9106

CONCORD MASS 01742